



## Instructions for: Making a complaint about an alleged breach of the Shire of Gingin Code of Conduct for Council Members, Committee Members and Candidates

### Behavioural Breaches

Please read the Shire of Gingin's Policy 1.42 Code of Conduct Behaviour Complaints Management on our website before submitting a complaint. This Policy details:

- How the Shire of Gingin will process and determine a Behaviour Complaint; and
- How confidentiality of the complaint will be handled.

To make a valid **Behaviour Complaint**:

- 
- The allegation must relate to a breach of the behaviour standards in Division 3 of the Shire of Gingin's Code of Conduct for Council Members, Committee Members and Candidates.
- 
- Complete all sections of the Behaviour Complaint Form attached, including the Statutory Declaration and any additional information that will support assessment of the complaint. *The Behaviour Complaints Officer may contact you to clarify or ask for more information.*
- 
- The completed Behaviour Complaint Form **MUST** be lodged with the Shire of Gingin's Behaviour Complaints Officer within one (1) month of the alleged behaviour breach.
- 

### Behaviour Complaints Officer

The Shire of Gingin's Behaviour Complaints Officer for the purposes of complaints relating to the Code of Conduct for Council Members, Committee Members and Candidates is:

Chief Executive Officer

T: (08) 9575 5100

E: [ceo@gingin.wa.gov.au](mailto:ceo@gingin.wa.gov.au)

Behaviour complaints can also be lodged with the Local Government Inspector, however the Inspector will usually refer such complaints to the relevant local government to be dealt with.

### Conduct Breaches

A **Conduct Breach** refers to a breach of the Rules of Conduct outlined in Division 4 of the Shire of Gingin's Code of Conduct for Council Members, Committee Members and Candidates.

Conduct breaches are dealt with by the Local Government Inspector. Complaint forms and further information on the submission process can be found on the Inspectorate website here: <https://www.wa.gov.au/organisation/local-government-inspector/breach-complaint-form>

Contact details for the Local Government Inspector are:

T: (08) 9222 3333

E: [contact@lginpector.wa.gov.au](mailto:contact@lginpector.wa.gov.au)

### Need Advice?

If you require advice on making a Behaviour Complaint, please contact the Shire of Gingin's Behaviour Complaints Officer on (08) 9575 5100 or by emailing [ceo@gingin.wa.gov.au](mailto:ceo@gingin.wa.gov.au).



## Behaviour Complaint Form

Shire of Gingin Code of Conduct for Council Members, Committee Members and Candidates

Name of Person Making the Complaint				
<b>Complainant Name:</b> <i>Given Name/s and Family Name</i>				
Contact Details				
<b>Residential Address:</b>				
<b>Postal Address:</b>				
<b>Phone:</b>	Day-time:		Mobile:	
<b>Email:</b>				

Complaint Details:			
<b>1.</b>	<b>Insert Name of Person alleged to have committed a behavior breach:</b>		
<b>2.</b>	<b>Select the position that the person was fulfilling at the time the person committed the alleged behaviour breach:</b>	Council Member of the Shire of Gingin	<input type="checkbox"/>
		Member of a Committee of the Shire of Gingin	<input type="checkbox"/>
		Candidate for election at the Shire of Gingin	<input type="checkbox"/>
<b>3.</b>	<b>Date that the alleged behaviour breach occurred:</b>		
<b>4.</b>	<b>Location where the alleged behaviour breach occurred:</b>		



<b>5.</b>	<b>Which of the behaviours prescribed in Division 3 of the Shire of Gingin's Code of Conduct do you allege this person has breached?</b>	
	<b>Clause 8. Personal integrity</b>	
	(1) A council member, committee member or candidate –	
	(a) must ensure that their use of social media and other forms of communication complies with this code; and	<input type="checkbox"/>
	(b) must only publish material that is factually correct	<input type="checkbox"/>
	(2) A council member or committee member –	
	(a) must not be impaired by alcohol or drugs in the performance of their official duties; and	<input type="checkbox"/>
	(b) must comply with all policies, procedures and resolutions of the local government.	<input type="checkbox"/>
	<b>Clause 9. Relationship with others</b>	
	A council member, committee member or candidate –	
	(a) must not bully or harass another person in any way; and	<input type="checkbox"/>
	(b) must deal with the media in a positive and appropriate manner and in accordance with any relevant policy of the local government; and	<input type="checkbox"/>
	(c) must not use offensive or derogatory language when referring to another person; and	<input type="checkbox"/>
	(d) must not disparage the character of another council member, committee member or candidate or a local government employee in connection with the performance of their official duties; and	<input type="checkbox"/>
	(e) must not impute dishonest or unethical motives to another council member, committee member or candidate or a local government employee in connection with the performance of their official duties.	<input type="checkbox"/>
	<b>Clause 10. Council or committee meetings</b>	
	When attending a council or committee meeting, a council member, committee member or candidate –	
	(a) must not act in an abusive or threatening manner towards another person; and	<input type="checkbox"/>
	(b) must not make a statement that the member or candidate knows, or could reasonably be expected to know, is false or misleading; and	<input type="checkbox"/>
	(c) must not repeatedly disrupt the meeting; and	<input type="checkbox"/>
(d) must comply with any requirements of a local law of the local government relating to the procedures and conduct of council or committee meetings; and	<input type="checkbox"/>	
(e) must comply with any direction given by the person presiding at the meeting; and	<input type="checkbox"/>	
(f) must immediately cease to engage in any conduct that has been ruled out of order by the person presiding at the meeting.	<input type="checkbox"/>	



<b>5.</b>	<b>Which of the behaviours prescribed in Division 3 of the Shire of Gingin's Code of Conduct do you allege this person has breached? (cont)</b>	
<b>Clause 15A(1). Dress standards</b>		
(1)	When attending Council meetings, council members are required to wear appropriate business attire.	<input type="checkbox"/>
(2)	When representing the local government on other occasions, council members will dress in a manner that is appropriate to the occasion.	<input type="checkbox"/>
<b>Clause 15A(2). Administrative enquiries</b>		
Council members shall direct all enquiries to the CEO or relevant Executive Manager, unless the CEO has specifically identified that an alternative employee may be contacted.		<input type="checkbox"/>
<b>Clause 15A(3). Disclosure of interests at Council Strategic/Information Sessions and Annual Meetings of Electors</b>		
Council members shall disclose at a Briefing Session or Annual Meeting of Electors any Financial Interest (direct or indirect), Proximity Interest or Impartiality Interest which may arise on any matter in which they would ordinarily disclose an interest if the same matter were to arise during the course of an ordinary council or committee meeting.		<input type="checkbox"/>
<b>Clause 15A(4). Communicating decisions of the council</b>		
(1)	Council members must respect the decision-making processes of council and not publicly reflect adversely on any decision of the council or the local government's employees.	<input type="checkbox"/>
(2)	Information relating to decisions of the local government on approvals, permits and so on may only be communicated in an official capacity by a designated officer of the local government.	<input type="checkbox"/>
<b>Clause 15A(5). Quasi-judicial role and principles</b>		
(3a)	When acting in a quasi-judicial role, a council member must not actively gather information independent of the official process by canvassing, liaising or initiating site visits with an applicant or an affected person.	<input type="checkbox"/>
(3b)	If contacted by an affected person, a council member will:	
(iv)	ensure that they do not commit their vote or give the impression that they have committed their vote to the matter.	<input type="checkbox"/>
(3c)	A council member will contact the CEO if they have been requested by an applicant or an affected person to visit a site.	<input type="checkbox"/>
(3d)	Where an applicant or affected person provides information to a council member that is relevant to the decision-making process, the council member must communicate that information to all other council members and the CEO prior to the meeting where a decision is proposed on the matter.	<input type="checkbox"/>
(3e)	If a council member believes that additional information is required to make an informed decision, such information must be sought in a written request or obtained by resolution of Council.	<input checked="" type="checkbox"/>



5.	<b>Which of the behaviours prescribed in Division 3 of the Shire of Gingin's Code of Conduct do you allege this person has breached? (cont)</b>	
	<p><b>Clause 15A(6). Medication with potential side effects</b>  Council members who have been prescribed medication by a medical practitioner, or who purchase over the counter medication that could interfere with their ability to safely carry out their role or cause other council members to be impaired must inform the Shire President or CEO as soon as possible and disclose any side effects that the medication they are taking may cause.</p>	<input type="checkbox"/>
	<p><b>Clause 15A(7). Social Media</b></p> <p>(2) Councillors cannot post any new content onto the Shire of Gingin's social media platform. Council members can only 'comment', 'like' or 'share' existing content, and must disclose that they are a council member, and that the views expressed are their own.</p> <p>(3) Council members cannot post any material on the social media platform concerning a council decision unless the local government has previously released the information on the social media platform or to the media or the public in some other format, or the official Minutes have been made public.</p>	
	<p><b>Clause 15A(8). Appointments to external committees</b>  When appointed to represent the local government on external bodies, council members must:</p> <p>(b) provide regular reports on the activities of the external body.</p>	<input type="checkbox"/>
	<p><b>Clause 15A(9). Dealing with council property</b>  Council members will:</p> <p>(a) be scrupulously honest in their use of local government property and shall not misuse it or permit its misuse by any other person or body.</p>	<input type="checkbox"/>
	<p>(b) use local government property entrusted to them effectively and economically in the course of their duties.</p>	<input type="checkbox"/>
	<p>(c) not use local government resources (including the services of the local government's employees) for private purposes unless properly authorized to do so, and where appropriate payments have been made as determined by the CEO.</p>	<input type="checkbox"/>

6.	<b>State the full details of the alleged breach.</b>	



--

<b>7</b>	<b>List any additional information you have provided as part of this complaint:</b> <i>Please ensure all information relevant to the alleged breach has been attached. This information will be the basis on which the complaint is considered.</i>

<b>8</b>	<b>Have you made any efforts to resolve the complaint with the Respondent?</b> <i>Please note, you MUST complete this section</i>	
<b>YES</b>	<input type="checkbox"/>	<i>If yes, please describe the efforts that you have made.</i>
<b>NO</b>	<input type="checkbox"/>	<i>If no, please include a brief statement explaining why you have not made any efforts to resolve the issue with the person complained about.</i>

<b>9</b>	<p><i>The Shire of Gingin has a policy that the Complainant and the Respondent be offered the opportunity to participate in an Alternative Dispute Resolution process, that if agreed to by BOTH parties, will be undertaken before the complaint is dealt with.</i></p> <p><i>The objective is to support both parties to reach a mutually satisfactory outcome that resolves the issues and restores the relationship between them. An outcome may be that, as the Complainant, you will have absolute discretion to withdraw or continue with this Complaint.</i></p> <p><i>Please contact the Behaviour Complaints Officer if you would like more information.</i></p>		
<b>Would you agree to participate in an Alternative Dispute Resolution process?</b>		<b>YES</b>	<input type="checkbox"/>
		<b>NO</b>	<input type="checkbox"/>



<b>10</b>	<b>Desired outcome of the Complaint</b> <i>Please explain what you would like to happen as a result of lodging this complaint, including the opportunity to participate in Alternative Dispute Resolution.</i>

<b>COMPLAINANT</b> <i>please sign and date</i>	
<b>Signature:</b>	
<b>Date:</b>	

**Please submit completed Behaviour Complaint to:**

The Shire of Gingin's Behaviour Complaints Officer:

Mailing Address:      CEO  
                                  Shire of Gingin  
                                  PO Box 510  
                                  Gingin WA 6503

Email:                      ceo@gingin.wa.gov.au

In person:                Shire of Gingin, 7 Brockman Street, Gingin WA 6503

<b>OFFICE USE ONLY:</b> <i>Received by the Behaviour Complaints Officer appointed under delegated authority</i>	
<b>Authorised Officer's Name:</b>	
<b>Authorised Officer's Signature:</b>	
<b>Date received:</b>	



**Code of Conduct for Council Members, Committee Members and  
Candidates  
Behaviour Complaint  
Statutory Declaration**

*Oaths, Affidavits and Statutory Declarations Act 2005*

*Must be completed and submitted with the completed Behaviour Complaint Form*

I,

*Insert your name*

*Insert your residential address*

*Insert your occupation*

**Sincerely declare that the information I have provided in the attached Behaviour Complaint  
dated**

*Insert date*

**is a true and accurate representation of the alleged behavior breach.**

**This declaration is true and I know that it is an offence to make a declaration knowing that  
it is false in a material particular.**

**This declaration is made under the *Oaths, Affidavits and Statutory Delcarations  
Act 2005* At:**

*place*

**On:**

*date*

**By:**

*signature of the person making the declaration*

**In the presence of:**

*signature of authorised witness*

*See over page for list of  
authorised witnesses  
prescribed in the Oaths,  
Affidavits and Statutory  
Declarations Act 2005*

*print name*

*qualification as such a witness*

**Schedule 2 — Authorised witnesses for statutory declarations**

[s. 12(6)(a)]

Item	Formal description	Informal description
1.	A member of the academic staff of an institution established under any of the following Acts — <ul style="list-style-type: none"> <li>• <i>Curtin University Act 1966</i>;</li> <li>• <i>Edith Cowan University Act 1984</i>;</li> <li>• <i>Murdoch University Act 1973</i>;</li> <li>• <i>University of Notre Dame Australia Act 1989</i>;</li> <li>• <i>University of Western Australia Act 1911</i>;</li> <li>• <i>Vocational Education and Training Act 1996</i>.</li> </ul>	Academic (post-secondary institution)
2.	A member of any of the following bodies — <ul style="list-style-type: none"> <li>• Association of Taxation and Management Accountants (ACN 002 876 208);</li> <li>• CPA Australia (ACN 008 392 452);</li> <li>• The Institute of Chartered Accountants in Australia (ARBN 084 642 571);</li> <li>• Institute of Public Accountants (ACN 004 130 643);</li> <li>• National Tax &amp; Accountants' Association Limited (ACN 057 551 854).</li> </ul>	Accountant
3.	A person who is registered under the <i>Architects Act 2004</i> .	Architect
4.	An Australian Consular Officer within the meaning of the <i>Consular Fees Act 1955</i> of the Commonwealth.	Australian Consular Officer
5.	An Australian Diplomatic Officer within the meaning of the <i>Consular Fees Act 1955</i> of the Commonwealth.	Australian Diplomatic Officer
6.	A bailiff appointed under the <i>Civil Judgments Enforcement Act 2004</i> .	Bailiff

Item	Formal description	Informal description
7.	A person appointed to be in charge of the head office or any branch office of an authorised deposit-taking institution carrying on business in the State under the <i>Banking Act 1959</i> of the Commonwealth.	Bank manager
8.	A member of Governance Institute of Australia Ltd (ACN 008 615 950).	Chartered secretary, governance adviser or risk manager
9.	A person who is registered under the <i>Health Practitioner Regulation National Law (Western Australia)</i> in the pharmacy profession.	Chemist
10.	A person who is registered under the <i>Health Practitioner Regulation National Law (Western Australia)</i> in the chiropractic profession.	Chiropractor
11.	A person registered as an auditor or a liquidator under the <i>Corporations Act 2001</i> of the Commonwealth.	Company auditor or liquidator
12.	A judge, master, magistrate, registrar or clerk, or the chief executive officer, of any court of the State or the Commonwealth.	Court officer
13.	A member of the Australian Defence Force who is — <ul style="list-style-type: none"> <li>• an officer within the meaning of the <i>Defence Force Discipline Act 1982</i> of the Commonwealth; or</li> <li>• a non-commissioned officer within the meaning of that Act with 5 or more years of continuous service; or</li> <li>• a warrant officer within the meaning of that Act.</li> </ul>	Defence force officer
14.	A person registered under the <i>Health Practitioner Regulation National Law (Western Australia)</i> in the dental profession whose name is entered on the Dentists Division of the Register of Dental Practitioners kept under that Law.	Dentist

Item	Formal description	Informal description
15.	A person who is registered under the <i>Health Practitioner Regulation National Law (Western Australia)</i> in the medical profession.	Doctor
15A.	A person appointed under the <i>Parliamentary and Electorate Staff (Employment) Act 1992</i> section 4(1)(b)(i) or (2)(b)(i)	Electorate officer of a member of State Parliament
16.	A member of the Institution of Engineers, Australia, other than at the grade of student.	Engineer
17.	The secretary of an organisation of employees or employers that is registered under one of the following Acts — <ul style="list-style-type: none"> <li>• <i>Industrial Relations Act 1979</i>;</li> <li>• <i>Workplace Relations Act 1996</i> of the Commonwealth.</li> </ul>	Industrial organisation secretary
18.	A member of the National Insurance Brokers Association of Australia (ACN 006 093 849).	Insurance broker
19.	A Justice of the Peace.	Justice of the Peace
19A.	A person who is a member of the Authority's staff within the meaning given to that term by the <i>Land Information Authority Act 2006</i> section 3.	Landgate officer
20.	An Australian lawyer within the meaning of that term in the <i>Legal Profession Act 2008</i> section 3.	Lawyer
21.	The chief executive officer or deputy chief executive officer of a local government.	Local government CEO or deputy CEO
22.	A member of the council of a local government within the meaning of the <i>Local Government Act 1995</i> .	Local government councillor
23.	A member of the Australasian Institute of Chartered Loss Adjusters (ACN 074 804 167).	Loss adjuster
24.	An authorised celebrant within the meaning of the <i>Marriage Act 1961</i> of the Commonwealth.	Marriage celebrant
25.	A member of either House of Parliament of the State or of the Commonwealth.	Member of Parliament

Item	Formal description	Informal description
25A.	A person registered under the <i>Health Practitioner Regulation National Law (Western Australia)</i> in the midwifery profession.	Midwife
26.	A minister of religion registered under Part IV Division 1 of the <i>Marriage Act 1961</i> of the Commonwealth.	Minister of religion
27.	A person registered under the <i>Health Practitioner Regulation National Law (Western Australia)</i> in the nursing profession.	Nurse
28.	A person registered under the <i>Health Practitioner Regulation National Law (Western Australia)</i> in the optometry profession.	Optometrist
28A.	A person registered under the <i>Health Practitioner Regulation National Law (Western Australia)</i> in the paramedicine profession.	Paramedic
29.	A registered patent attorney under the <i>Patents Act 1990</i> of the Commonwealth.	Patent attorney
30.	A person registered under the <i>Health Practitioner Regulation National Law (Western Australia)</i> in the physiotherapy profession.	Physiotherapist
31.	A person registered under the <i>Health Practitioner Regulation National Law (Western Australia)</i> in the podiatry profession.	Podiatrist
32.	A police officer.	Police officer
33.	The person in charge of an office established by, or conducted by an agent of, Australia Post within the meaning of the <i>Australian Postal Corporation Act 1989</i> of the Commonwealth.	Post office manager
34.	A person registered under the <i>Health Practitioner Regulation National Law (Western Australia)</i> in the psychology profession.	Psychologist
35.	A public notary within the meaning of the <i>Public Notaries Act 1979</i> .	Public notary
36.	An officer of the Commonwealth public service.	Public servant (Commonwealth)



Item	Formal description	Informal description
37.	A person who is employed under the <i>Public Sector Management Act 1994</i> Part 3.	Public servant (State)
38.	The holder of a licence under the <i>Real Estate and Business Agents Act 1978</i> .	Real estate agent
39.	The holder of a licence under the <i>Settlement Agents Act 1981</i> .	Settlement agent
40.	The Sheriff of Western Australia and any deputy sheriff appointed by the Sheriff of Western Australia.	Sheriff or deputy sheriff
41.	A licensed surveyor within the meaning of the <i>Licensed Surveyors Act 1909</i> .	Surveyor
42.	A person registered under the <i>Teacher Registration Act 2012</i> .	Registered teacher
43.	A member, registrar or clerk, or the chief executive officer, of any tribunal of the State or the Commonwealth.	Tribunal officer
44.	A registered veterinary surgeon within the meaning of the <i>Veterinary Surgeons Act 1960</i> .	Veterinary surgeon